

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ENOVSYS LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.,

Defendant.

Case No. 5:23-cv-04549 EJD

PATENT SCHEDULING ORDER

This case is scheduled for a case management conference on November 9, 2023. Based on the parties' Joint Case Management Statement, the Court has determined a schedule for the case can be set without the necessity of an appearance at this time. Accordingly, the November 9, 2023, Case Management Conference is VACATED, and

IT IS HEREBY ORDERED that the Court adopts the parties' statement of disputed factual and legal issues as set forth in the Case Management Statement. ECF No. 28.

IT IS FURTHER ORDERED that the deadline for joinder of any additional parties, or other amendments to the pleadings, is sixty days after entry of this order. The parties are instructed to comply with Federal Rule of Civil Procedure 15 in seeking joinder of parties or amendments to the pleadings prior to expiration of the deadline. Amendments sought after the deadline must comply with Federal Rule of Civil Procedure 16.

IT IS FURTHER ORDERED that the following modifications are made to the presumptive limits on discovery set forth in the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that any disputes with respect to discovery or disclosure are referred to the assigned Magistrate Judge. Any disputes regarding any party's Patent

Disclosures—including any request to amend pursuant to Patent L.R. 3-6—are likewise referred to the assigned Magistrate Judge.

IT IS FURTHER ORDERED that the parties shall meet and confer further in order to reach an agreement on an ADR process within 10 days of the issuance of this order. Within that same timeframe, the parties shall either (1) file the form entitled “Stipulation and (Proposed) Order Selecting ADR Process” if an agreement is reached, or (2) file the form entitled “Notice of Need of ADR Phone Conference.”

IT IS FURTHER ORDERED that the following schedule shall apply to this case:

EVENT	DEADLINE
Infringement Contentions (see Patent L.R. 3-1, 3-2, and 3-5) <i>≈14 days after the Initial Case Management Conference</i>	February 1, 2024
Invalidity Contentions (see Patent L.R. 3-3, 3-4, and 3-5) <i>≈45 days after the Infringement Contentions</i>	March 15, 2024
Exchange of Proposed Terms for Construction (see Patent L.R. 4-1) <i>≈14 days after Invalidity Contentions</i>	March 29, 2024
Exchange of Preliminary Claim Constructions and Extrinsic Evidence (see Patent L-R 4-2) <i>≈21 days after Proposed Terms for Construction</i>	April 19, 2024
Joint Case Management Statement for Interim Conference (The Statement shall, among other things, update the court on the parties’ readiness for the Markman hearing)	April 26, 2024
Damages Contentions (see Patent L.R. 3-8) <i>≈50 days after the Invalidity Contentions</i>	May 3, 2024
Interim Case Management Conference	May 9, 2024 at 10:00 a.m.
Joint Claim Construction and Prehearing Statement (see Patent L.R. 4-3) <i>≈60 days after the Invalidity Contentions</i>	May 14, 2024
Responsive Damages Contentions (see Patent L.R. 3-9) <i>≈30 days after the Damages Contentions</i>	May 31, 2024


EVENT	DEADLINE
Completion of Claim Construction Discovery (see Patent L.R. 4-4) <i>≈30 days after the Joint Claim Construction and Prehearing Statement</i>	June 13, 2024
Opening Claim Construction Brief (see Patent L.R. 4-5(a)) <i>≈45 days after the Joint Claim Construction and Prehearing Statement</i>	June 28, 2024
Responsive Claim Construction Brief (see Patent L.R. 4-5(b)) <i>≈14 days after Opening Brief</i>	July 12, 2024
Reply Claim Construction Brief (see Patent L.R. 4-5(c)) <i>≈7 days after Responsive Brief</i>	July 19, 2024
Case Tutorial (see Standing Order for Patent Cases)	TBD Following Interim Case Management Conference
Claim Construction Hearing (see Patent L.R. 4-6 and Standing Order for Patent Cases)	Following Tutorial
Advice of Counsel (see Patent L.R. 3-7)	30 days after Claim Construction Order

IT IS FURTHER ORDERED that the parties shall read and comply with the Standing Order for Civil Cases, a copy of which is available from the Clerk of the Court,² with regard to the timing and content of the Joint Trial Setting Conference Statement and all other pretrial submissions.

IT IS FURTHER ORDERED that the parties shall read and comply with the Standing Order for Patent Cases, a copy of which is available from the Clerk of the Court,² with regard to a variety of issues unique to patent cases.

IT IS SO ORDERED.

Dated: November 7, 2023



EDWARD J. DAVILA
United States District Judge

² Judge Davila's standing orders are also available on the court's website at <https://www.cand.uscourts.gov/judges/davila-edward-j-ejd/>.